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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,584	02/18/2004	Thayne J. Golden	3689-002	4746

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,584

Applicant(s)

GOLDEN ET AL

Examiner

Devon C Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/18/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

- 1) The disclosure is objected to because of the following informalities:

Page 3 paragraph 1, delete the sentence, "The upper brake 10 also includes a brake release lever 10c."

Appropriate correction is required.

Claim Objections

- 2) Claim 15 is objected to because of the following informalities:

Claim 15 line 3, "the handle" should be --a handle--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) Claims 1-2, 4, 6 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandreid (4669582).

IN re claims 1, 8-15, Sandreid provides a rope management device comprising: an upper brake (above rope) having a first pivot hole (27), a second pivot hole (26), and a handle (31); a lower brake (below rope) having a third pivot hole (24) and a fourth pivot hole (25); a first sideplate rotatably (22, col. 6 lines 5-10) affixed to a first side of the upper brake at the first pivot hole (27) and rotatably affixed to a first side of the lower

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brake at the fourth pivot hole (25); a second sideplate (please note that plates are in pairs) rotatably affixed to a second side of the upper brake at the first pivot hole and rotatably affixed to a second side of the lower brake at the fourth pivot hole; a third sideplate (23) rotatably affixed to the first side of the upper brake at the second pivot hole (26) and rotatably affixed to the first side of the lower brake at the third pivot hole(24); and a fourth sideplate rotatably (plates 23) affixed to the second side of the upper brake at the second pivot hole and rotatably affixed to the second side of the lower brake at the third pivot hole.

In re claim 2, Sandreid's device limits a minimum value of an angle with a vertex at a first pivot hole, a first endpoint at the second pivot hole and a second endpoint at the fourth pivot hole.

In re claims 4 and 6, please note that the first hole is a portion of hole 26, 27 that extends through element 16 and the pin is the connector.

Claim Rejections - 35 USC § 103

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandreid (4669582).

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In re claim 3, Sandreid teaches a stop, see item 28, which is an equivalent means to regulating the amount which the plate pivot.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the stop of Sandreid to operate upon its contact with the first and third plates since it has been held that rearranging the parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Allowable Subject Matter

- 7) Claims 16-22 are allowed.
- 8) Claims 5, 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sandreid '350, Gortan, Cavalieri ('517, '893), Coe, Sholler, Gorton, Hoffman, Huber, Alexander et al, Rogeija ('833, '777, '153), Novak, Mauthner, Paglioli, Day, Lorbeck, Hede et al, and Petzl et al ('400, '577) all provide rope brakes with similar features to the instant application.
- 10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

Don
9/1/04